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Supreme Court, U. S.
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CHARLES ELMORE CROPLEY

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1947

No. 258

ALBERT E. SCHWABACHER, ALBERT E. SCHWABACHER, JR., JAMES M. SCHWABACHER, ET AL.,
Appellants,

vs.

THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, ET AL.,
Appellees.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA

REPLY OF THE CHESAPEAKE AND OHIO RAILWAY COMPANY

R. W. PURCELL,
JOSEPH C. KAUFFMAN,
JOHN C. SHIELDS,
GEO. H. GARDNER,
ROBERT F. MASKEY,
GEORGE D. GIBSON,
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Counsel for Appellees,
The Chesapeake and Ohio Railway Company and Alleghany Corporation.

THOMPSON, HINE & FLORY,
HUNTON, WILLIAMS, ANDERSON, GAY & MOORE,
Of Counsel.

Dated September 9, 1947.

REPLY OF THE CHESAPEAKE AND OHIO RAILWAY COMPANY

As our responsibility to the Court outranks our responsibility to the client, a fair statement of the case is our first concern. By that token, personal epithet, especially when without basis, has no bearing on the issues. We ignore, therefore, as both unfounded and irrelevant, the accusations in Appellants' Brief in Opposition to Motions to Affirm (even the last sentence on page 8).

The merits of the case, we believe, are presented fairly and distinctly in our Motion to Affirm. The basic point of Appellants' reply brief, that we misrepresent the issue, is sufficiently answered by the circumstance that our formulation of the issue (Motion to Affirm, page 9) is in effect the same as that made by the court below (Motion to Affirm, page 8). If this is not the issue Appellants have in mind, they state no other, an additional reason for summary affirmance.

Dated September 9, 1947.

Respectfully submitted,

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Joseph C. Kauffman,
John C. Shields,
Geo. H. Gardner,
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